thing is clear, that if the Crown is no longer to be allowed to make a juror stand aside, the prosecution should have the same right of peremptory challenge as the defence.

The ambition to improve the laws of one's country is laudable ; but the danger of popular bodies being swept away by the superficial appearance of improvement is very great. The proper check is to be found in the control of Government. The initiative of fundamental changes in the administration of justice should be jealously preserved by the Crown.

R.

TITLES.

The *Minerve* has a sensible article directed against the misuse of the titles "Chevalier" and "Commandeur." In addition to its remarks on the bad taste of thrusting titles down one's throat at every word, it should be remembered that it is illegal to use a foreign title, or to wear a foreign decoration, without leave of the Queen. We not only misuse foreign titles, but we both overuse and misuse our own. Newspaper reporters never speak of a Minister without the prefix of "Honourable." A gentleman dies and we have it formally announced that "A. B. Esquire," is no more. This is not done in England. In France, before the revolution, titles of rank were very sparingly used, except by *parvenus ;* the second son of the king was called "Monsieur," and his eldest daughter "Madame," just as we use "Sir" in addressing members of the English Royal family in private.

But the more objectionable fault is the illegal assumption of titles not granted by the Queen. This is very common; it is nevertheless a dishonest form of vulgarity. Thus we have Judges, former Senators, bygone local Ministers, Legislative Councillors, and Speakers of Legislative Assemblies, all taking, or given the title of "Honourable," to which they have not a shadow of right.

R.

Mr. M. H. Sanborn, a brother of the late Mr. Justice Sanborn, and for many years Deputy Sheriff of Montreal, died in this city on Sunday, February 25. The *Gazette* says of the deceased: "For twenty-eight years Mr. Sanborn had filled in a manner eminently satisfactory the position of Deputy-Sheriff of Montreal, and his death removes from amongst us a faithful public servant, whose name will ever be mentioned with the respect due to the memory of an honourable, kind-hearted gentleman and an official of the most sterling probity."

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

MONTREAL, Jan. 25, 1882.

MONK, RAMSAY, TESSIER, CROSS & BABY, JJ.

REGINA v. JOHN DWYER, *alias* MCGUIRE.

Bigamy—Onus probandi.

On a trial for bigamy, the Crown having established the fact of the husband's two marriages it is for the prisoner to show the absence of the first wife during seven years preceding the second marriage ; and where such absence is not proved, it is not incumbent on the Crown to establish the prisoner's knowledge that the first wife was living at the time of the second marriage.

RAMSAY, J. This is a reserved case from the district of Aylmer. The prisoner was convicted of bigamy. The two marriages were proved, the first to Mary Brophy at St. Columban, in the district of Terrebonne, in 1855, the second to Marie Fleury at Allumette Island, in the district of Ottawa, in 1878. It was also proved that the first wife was living at the time of the second marriage at St. Columban, where the marriage of 1855 took place.

The Court charged the jury: 1st—"That the marriage was complete by the marriage ceremony, and did not require consummation, and that it was not incumbent on the Crown to prove the presence of the first wife with the prisoner." 2nd—"That the continuous absence of the first wife during seven years immediately preceding the second marriage *not* being proved, it was not incumbent on the Crown to prove the prisoner's knowledge that the first wife was living. The Court also added that under the above circumstances it was incumbent on the prisoner to show that he had made reasonable inquiries."

I take it that the Court in effect held, that the marriage being established, it was for the prisoner to show the *absence* of seven years; that this absence not being proved, there was no question of the prisoner's ignorance. At the argument it was contended that the absence of the prisoner from his wife was the presumption of law, and that the Crown should prove presence. In support of this novel pretension we were referred to the case of *Regina* v. *Heaton* (3 F. & F., p. 819), where it was contended that Mr. Justice Wightman had held that the proof of presence was on the Crown, and that this